

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

AUGUSTINE M. GARCIA,

Defendant.

8:14CR391

ORDER

Defendant Augustine M. Garcia appeared before the court on May 29, 2018 on a Petition for Offender Under Supervision [134]. Defendant was represented by Assistant Federal Public Defender Karen M. Shanahan, and the United States was represented by Assistant U.S. Attorney Thomas J. Kangior. Through his counsel, Defendant waived his right to a probable cause hearing on the Petition for Offender Under Supervision [134] pursuant to Fed. R. Crim. P. 32.1(a)(1). The government moved for detention, and a detention hearing was held. Since it is Defendant's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger, the court finds Defendant has failed to carry his burden and that he should be detained pending a dispositional hearing before Chief Judge Smith Camp.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on July 12, 2018, at 9:00 a.m. Defendant must be present in person.
2. Defendant Augustine M. Garcia, is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;
3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and
4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated this 30th day of May, 2018.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge